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June 23, 2021

APPLICATION GRANTED
SO ORDERED *[Signature]*
VERNON S. BRODERICK
U.S.D.J. 6/23/2021

Via ECF

Hon. Vernon S. Broderick, U.S.D.J.
United States District Court
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, New York 10007

Defendants' motion to dismiss is DENIED as moot, and the Clerk's office is directed to terminate the open motion at Document 17. Defendants' new motion to dismiss is due on or before July 9, 2021, while Plaintiff's opposition is due on or before July 30, 2021, and Defendants' reply, if any, is due on or before August 13, 2021.

Re: Betty Dupere v. Ethicon, Inc., et al.
Case No. 1:21-cv-02605-VSB

Dear Judge Broderick:

We represent Defendants Ethicon, Inc. and Johnson & Johnson (collectively "Ethicon"). In reference to the Docket Text Order entered on June 22, 2021, Defendants agree that Plaintiff's filing of the Amended Complaint renders Defendants' pending motion to dismiss the original Complaint moot. Because Defendants do not believe that the Amended Complaint cures all of the deficiencies set forth in the original Complaint, Defendants request the Court's permission to file a new Rule 12 motion that seeks dismissal, at least in part, of the Amended Complaint and that sets forth why claims in the Amended Complaint fail to state a claim for which relief may be granted.

Defendants can be prepared to submit that motion by July 9, 2021.

Respectfully submitted,

Kelly S. Crawford/e

Kelly S. Crawford

cc: Laura Baughman, Esq.
Rachel Wright, Esq.
Sheila M. Bossier, Esq.
(via ECF)